

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **SEN. MIKE WHEAT**, on March 26, 2003 at 3:30 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Lisa Gallagher, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

Committee Business Summary:

Hearing & Date Posted: HB 620, 3/17/2003
Executive Action: HB 680; HB 602; SR 5; HB 609; HB 563

Pat Murdo explained to the Committee Sen. Cobb's amendment for HB 689.

EXHIBIT(sts64a01)

HEARING ON HB 602

Sponsor: REPRESENTATIVE KATHLEEN GALVIN-HALCRO, HD 48, Great Falls

Opening Statement by Sponsor:***{Tape: 1; Side: A; Approx. Time Counter: 1.4 - 5.7}***

REP. GALVIN-HALCRO said that this bill requires the Department of Transportation to establish guidelines for leasing agreements that encourage cost-efficiency and appropriate use in regard to their cars. The state rate structure needs to be fixed. The Heritage Commission Director made over \$1,000 last year by using his own personal vehicle. There are problems with the motor vehicles and they need to be fixed.

Proponents' Testimony:***{Tape: 1; Side: A; Approx. Time Counter: 6 - 10.7}***

John Blacker, Montana Department of Transportation, said that they are in full support of this bill. There are two kinds of vehicles that they have for lease; 1) the day lease fleet vehicles, of which there are about 200 vehicles and 2) the leasing program cars, of which there are about 600 vehicles. There are about 1,400 other vehicles that the Department of Transportation does not have any control over. There is a need to establish correct rates.

Opponents' Testimony: none**Questions from Committee Members and Responses:**

SEN. SQUIRES asked **John Blacker** if the other 1,400 out there have any criteria. **John Blacker** said, "I don't think so."

SEN. SQUIRES asked **John Blacker** how these cars come about. **John Blacker** deferred to **Amy Sassano, Governor's Office**, who said they gathered the number 1,400 through a random survey. These cars are used by the DNRC, Fish Wildlife and Parks, and the University system. They are purchased through their budget.

SEN. SQUIRES asked **Amy Sassano** who pays for the company car. **Amy Sassano** said that agencies pay for vehicles through their budgets.

Closing by Sponsor:***{Tape: 1; Side: A; Approx. Time Counter: 14.3 - 14.7}***

REP. GALVIN-HALCRO said that this is a good bill that will help save the state some money.

EXECUTIVE ACTION ON HB 680

Motion: SEN. GEBHARDT moved that HB 680 BE CONCURRED IN.

Motion: SEN. GEBHARDT moved that HB 680 BE AMENDED.

Discussion:

Robert Throssell, Montana Clerk & Records Association and Stuart Doggett, Montana Land Title Association, and Gail Abercombie, Montana Oil & Gas, said that they have all come up with an agreement on this bill.

Pat Murdo explained the amendment to the Committee.

EXHIBIT(sts64a02)

Motion/Vote: SEN. SPRAGUE moved that HB 680 BE CONCURRED IN AS AMENDED. Motion carried 5-0, by voice vote.

SEN. WHEAT will carry HB 680 on the Senate floor.

EXECUTIVE ACTION ON HB 602

Motion/Vote: SEN. SQUIRES moved that HB 602 BE CONCURRED IN. Motion carried 5-0.

SEN. COBB will carry HB 602 on the Senate floor.

EXECUTIVE ACTION ON SR 5

Motion: SEN. COBB moved that SR 5 BE AMENDED.

Discussion:

SEN. COBB said that he would like to change Christian Hur's address from Billings to Missoula.

SEN. SPRAGUE said that he would like to make sure his address is correct.

Pat Murdo said that Christian Hur said that his address was in Billings, but he was going to school in Missoula.

SEN. COBB withdrew his motion.

SEN. WHEAT said that he had a concern, he looked at the legal memorandum and he interpreted it differently than legal counsel. The law does not talk about an extension. On procedural grounds

he will oppose this Senate Resolution. He said that he does not think that the law was followed, and nowhere does it allow for extensions. The procedures need to be followed and he said that he thinks that they were not followed in this case.

SEN. COBB said that he read the legal memorandum from Greg Petesch and he agreed with his interpretation. He believed that the Governor did what was within her limitations and that the procedure was followed correctly.

SEN. SPRAGUE said that he read the law and he believes that the Governor has the authority to appoint for one year and no more than four years.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 2.7}

SEN. SQUIRES said that her problem with Christian Hur is that he was not the top choice. He is the voice of 36,000 students and a lot of those students have asked that he not be reappointed. It is not appropriate to reappoint him because the students deserve the Regent of their choice.

SEN. COBB said that Christian Hur has never been confirmed. The process picked three students and then the Governor picked one. The students don't have veto power.

SEN. SQUIRES said that she agreed that he was not confirmed, but that is not the fault of the students and they should not be punished for it.

SEN. WHEAT said that if there is a perception that the process is not fair then that is something that the Committee needs to think about.

Motion/Vote: **SEN. COBB** moved that SR 5 DO PASS. Motion carried 3-2 with **SENS. SQUIRES** and **WHEAT** voting no, by voice vote.

SEN. COBB will carry SR 5 on the Senate floor.

EXECUTIVE ACTION ON HB 609

Motion: **SEN. COBB** moved that HB 609 BE CONCURRED IN.

Motion/Vote: **SEN. COBB** moved that HB 609 BE AMENDED. Motion carried 5-0, by voice vote.

EXHIBIT(sts64a03)

Motion/Vote: SEN. COBB moved that HB 609 BE CONCURRED IN AS AMENDED. Motion carried 5-0, by voice vote.

SEN. PEASE will carry HB 609 on the Senate floor.

EXECUTIVE ACTION ON HB 563

Motion: SEN. COBB moved that HB 563 BE CONCURRED IN.

Motion: SEN. COBB moved that HB 563 BE AMENDED.

SEN. COBB explained the amendment to the Committee.

EXHIBIT(sts64a04)

Vote: Motion HB 563 carried 5-0, by voice vote.

Motion/Vote: SEN. COBB moved that HB 563 BE CONCURRED IN AS AMENDED. Motion carried 3-2 with SENS. SQUIRES and WHEAT voting no, by voice vote.

SEN. STAPLETON will carry HB 563 on the Senate floor.

ADJOURNMENT

Adjournment: 4:25 P.M.

SEN. JOHN COBB, Chairman

LISA GALLAGHER, Secretary

JC/LG

EXHIBIT (sts64aad)